IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7497 OF 2004

Shetkari Shikshan Mandal,
Dholgarwadi Petitioner

versus

State of Maharashtra and others Respondents

P.R.Arjunwadkar, adv. for petitioner.
N.P.Deshpande. AGP for respondents 1 to 4.
Mobin H. Solkar, adv. for R-5.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 5th November 2004

PC :

1. Heard advocates. Perused the affidavit filed on behalf of respondents.

2. It appears that in the past respondent no.5 had applied for shifting their school to village Kadlage Budruk and their application was in fact granted by the State Government initially, however, by subsequent order the permission was cancelled. Respondent no.5 challenged the State Government decision to cancel the permission. That writ petition was dismissed. Then respondent no.5 filed a civil suit and in that suit, though an ad-interim injunction was granted

initially, it came to be vacated later on. Thus, the order cancelling the permission in favour of respondent no.5 has more or less become final. It appears that the respondent no.2 has filed a fresh application for grant of permission to shift school at Kadlage Budruk. The respondent nos.1 to 4 shall refer the application to the District Level Committee. The District Level Committee shall grant hearing to both, petitioner as well as respondent no.5 and make appropriate recommendation to the State Level Committee. The State Level Committee shall consider the application on it's own merits and in the light of recommendation of District Level Committee and State Level Committee, the State Government shall take appropriate decision in the matter in accordance with law.

3. All contentions of parties are left open to parties. Petition disposed of.

4. In case the decision of the State Government is adverse to the petitioner, same will not be given effect for four weeks from communication thereof to the petitioner.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)